

CAREER LADDER AND TIERED LICENSURE
June 11, 2014
MEETING NOTES

Present: Rod Lewis, Chair; Linda Clark, Co-Chair, Senator Dean Mortimer, Senator Janie Ward-Engelking, Representative Marc Gibbs, Representative Lance Clow, Rob Winslow, Penni Cyr, Karen Echeverria, Wayne Freedman, Geoffrey Thomas, Rod Gramer, Brian Smith, Christina Linda, and Superintendent Tom Luna and Richard Westerberg (via teleconference)

Not Present: Senator John Goedde and Representative Wendy Horman

Others Present: Representative Steve Harris (for Representative Wendy Horman); Roger Brown, Office of the Governor; Andrew Snook, Deputy Attorney General, State Department of Education; Jenifer Marcus, Deputy Attorney General, State Board of Education; Tracie L. Bent and Marilyn Whitney, Office of the State Board of Education

Chairman Rod Lewis reviewed the administrative rules and legislative framework which guides the committee's work. Recommendations for Tiered Licensure need to be completed by the end of July. Career Ladder discussions will begin in August, as they will be the subject of legislation which carries a later deadline.

Penni Cyr questioned the July deadline. Mr. Lewis and Co-Chair Linda Clark reminded the committee that the Governor's Task Force Recommendations (Task Force) created a strong framework for tiered licensure and career ladder, which includes significant funding. The Task Force also created an opportunity and momentum which could be lost if the committee failed to bring legislation and administrative rules forward in the upcoming 2015 legislative session. Superintendent Luna added that the committee is not moving too fast; it has already made progress to improve teacher pay and improve quality in the classroom; if the committee loses momentum, increases in teacher pay and classroom quality also will be lost. He reminded the committee that two years will have passed from the Task Force to the first impact, and 2-3 more years to full implementation. Geoffrey Thomas recommended that those affected most directly by the committee's work be comfortable with the direction and decisions which will impact people in the classroom. He felt that by having consensus, rather than simple majority in deliberations, teachers also will be supportive.

Mr. Lewis clarified that because tiered licensure changes fall in administrative rule, adequate time for vetting will be forthcoming, both by the State Board of Education (SBOE) and by the public. He also reminded the committee that the committee's responsibility and authority is to stay grounded in the task force recommendations.

Andy Snook, Deputy Attorney General, State Department of Education (SDE) and Jenifer Marcus, Deputy Attorney General, SBOE, addressed the committee's legal questions:

What role can performance play in license renewal?

Ms. Marcus directed the committee to a memorandum concerning due process. Any time an element of subjectivity is introduced, a higher measure of due process must follow. For example, if a prospective teacher graduates from university with the required coursework and is granted a non-renewable 5 year interim license, then the basis for the license is objective. But if proficiency is required to gain a renewable license, and that proficiency is based on principal evaluation, then subjectivity has been introduced, and a higher standard of due process must follow. Evaluation by two qualified evaluators renders the evaluation less subjective and carries a lesser standard of due process.

How do other states deal with performance and licensure?

Tracie Bent, Chief Policy and Planning Officer, SBOE, has reviewed North Carolina, Ohio, Washington, Georgia, Maryland, and New Mexico. North Carolina requires performance measures in license renewal; New Mexico requires verification that candidates demonstrate competency; Washington requires a professional teaching portfolio, but not performance; Georgia has not yet decided whether or not to require performance.

Christina Linder shared from the Center on Great Teachers & Leaders at American Institutes for Research:

- Wisconsin requires that teachers submit a portfolio and videos of their teaching. These items are reviewed by a three-member team prior to advancement. Additional information on this process can be found in the *Tiered Teacher Certification and Performance-Based Assessment*.
- North Carolina requires beginning teachers to complete an induction program and receive a rating of "proficient" on all five North Carolina Professional Teaching Standards on their most recent evaluation before advancing. More information on this process can be found in *Tiered Teacher Certification and Performance-Based Assessment*.
- In order to receive a professional certification or continue to teach in the state, Maryland's proposed three-tiered performance-based certification system, funded through Race to the Top, requires teachers to be rated "effective" or higher on their evaluation, which includes student achievement and growth (50 percent). New York, Tennessee, and Georgia have planned similar changes linking evaluations to license renewal, and Rhode Island, Delaware, and Louisiana have already adopted performance-based systems (Banchemo, 2013; Steiner, 2012).¹

Representative Harris asked if any states were tying student achievement to teacher evaluations. Tracie Bent replied that in her discussions with New Mexico, she learned that New Mexico wished that it had placed more emphasis on student achievement.

¹ Paliokas, Kathleen, "Tiered Licensure: Connecting Educator Effective Policies," December 2013, Center on great Teachers & Leaders, American Institutes for Research.

Linda Clark said that student achievement currently comprises 33 percent of teacher evaluation, and raised the question if student achievement was being proposed as a stand-alone element and therefore being double-counted. Superintendent Luna replied that the SDE Technical Advisory Committee (TAC) had tried to identify what teachers would do to move from one tier to the next, using the Danielson framework, Individual Professional Learning Plan (IPLP) and Student Achievement. In doing so, TAC used language that was consistent with current administrative rule governing teacher evaluation so that it would not be confusing to teachers. Under the new language, student achievement is just as important as the Danielson framework and the IPLP, and again, comprises 33 percent. This committee would make the recommendation to amend rule to reflect the new practice.

What are the legal issues of tying licensure and student achievement to teacher evaluation?

Rod Lewis explained to the attorneys that once a person receives a renewable license after 3-5 years, s/he must maintain proficiency. The Task Force and TAC proposed that if a teacher does not maintain that proficiency, s/he faces loss of licensure. Penni Cyr noted that the current requirement is to complete six continuing education units which is solely objective. The new proposal adds subjective standards.

Attorney Andy Snook stated that if renewal is denied due to performance issues, and those measures are subjective, then the State must provide that teacher an opportunity to dispute and present his/her own evidence. As legal advisor to the Professional Standards Commission (PSC), he said that the renewal likely would be granted. Both Andy Snook and Jenifer Marcus agreed that an appeals process would need to include both procedural and subjective areas because decisions would be made at the district level that affects licensure at the state level. Linda Clark voiced concern at the sheer number of possible appeals if every teacher had the option to appeal the substance of an evaluation. Ms. Clark's district, Joint School District No. 2 (Meridian) uses two evaluators in every teacher's annual evaluation. Ms. Cyr replied that teachers need an avenue to convey extenuating circumstances since the evaluation affects licensure. Brian Smith said that if only one of 22 Danielson components were deficient, that one element could then become 100 percent of the decision. Ms. Marcus suggested that another year could be granted to remedy the defect, or a third party evaluator could be employed. She also noted that public education is a constitutional right and the State has an interest to ensure that teachers are competent.

Geoffrey Thomas noted that the legislature and the public has the impression that nothing is ever done about poor teachers when, in fact, every year superintendents, principals and teachers are let go. Those terminations are not publicized due to confidentiality, and many times the person resigns rather than face termination, so the fact that teachers are fired does not show up in termination numbers. Representative Gibbs voiced his concern that those terminated teachers are rehired in other districts, which is the objection of the legislature, and why non-renewal of licensure carries weight. Linda Clark said that in her district, teacher files are reviewed very carefully even before an interview is granted. It is the law. Karen Echeverria echoed Ms. Clark, adding that the law requires that all information remain in a teacher's file, and if districts are burying information, then perhaps that practice needs to be addressed.

Rather than non-renewal, could a teacher be down-graded on the licensure tier with a corresponding cut in pay on the career ladder?

Jenifer Marcus replied that some states have set it up that way. The questions to address are why the teacher did not meet the requirements, and do they have the ability to respond. If a probationary status were included, the State would have greater protections because a record would exist.

Rod Lewis and Linda Clark then presented a PowerPoint proposal for the committee to consider:

Reaching Tier 1 – Recommended by NTEP and currently Piloted

- Institutional recommendation from a College of Education:
 - An evaluation with basic ratings in all 22 components
 - Individualized Learning Plan
 - Student Learning Objectives or Measurable Student Achievement

Tier 1 – Novice Tier

- Teacher has a non-renewable (provisional) certificate
- Professional Development in Years 1-3 includes:
 - Year 1 – intensive mentoring (paid for through leadership premium pool)
 - Year 2 – mentoring at a lesser level
 - Year 3 – independent practice

Movement to Tier 2

- Teacher can apply after year 3 if he/she meets the following criteria:
 - Proficient for 2 years on the evaluation (Danielson-Aligned Evaluation Tool)
 - Individualized Professional Learning Plan
 - Student Learning Objectives and/or Measurable Student Achievement

Linda Clark stated that the new proposal *will not tie performance to licensure* in Idaho. School boards do not wish to participate in licensing decisions.

Ms. Clark further stated that the 22 components of the Danielson Framework are not considered sacred, nor should they carry equal weight. Following this meeting, Ms. Clark proposed that a subcommittee convene made up of practitioners, human resource directors, superintendents, principals, and teachers to evaluate the Danielson framework and recommend how they be used.

Movement to Tier 2 Contingencies

- If teacher does not meet the criteria, s/he has 2 more years on Tier 1 to meet the criteria.
- If a teacher cannot meet the criteria, s/he has the opportunity to return to a higher education institution for instruction in the area of non-proficiency and reapply.

- If successful, s/he can return to the classroom with 1 additional year to demonstrate proficiency.
- If the teacher still does not meet the criteria, s/he does not receive Professional Certification.

Ms. Clark explained if a prospective teacher cannot meet Tier 2 licensure after five years, s/he will not receive a professional license. Instead, the SBOE will work with universities to develop improvement courses based on the Danielson domains with a practicum. The prospective teacher will then have one additional year.

Representative Clow asked why the program was not based on a straight 5 years. Ms. Clark replied that financing the corresponding career ladder was based on some candidates moving at 3 years, 4 years and 5 years. Senator Mortimer hoped that years 4 and 5 would include mentoring so that children were not subjected to a subpar teacher. Ms. Clark responded that years 4 and 5 would address a few minor areas; a really poor teacher does not last 3 years. Senator Ward-Engelking said she believed that 5 years were required to become a truly professional teacher. Rob Winslow said that 5 years allows a district to give the candidate an opportunity at another district which might be a better fit, and the receiving district would know how to work with the candidate, although in reality, a teacher who is let go in the first 3 years is not likely to be hired by another district. Rod Lewis said that he likes 5 years because it allows the opportunity to correct minor deficiencies. Ms. Clark suggested that an IPLP be added.

Tier 2 Professional Maintenance

- Meets current recertification requirements
- Proficient on annual evaluation for 3 of 5 years, including the year of renewal.
- Individualized Professional Learning Plan (IPLP)
- Student Learning Objectives and/or Measurable Student Achievement

The committee agreed that “Maintenance” should be changed to “Renewal”.

Tier 2 Professional Renewal - Contingencies

- If a teacher does not meet these criteria, he/she is moved to “corrective” status and compensation will be frozen.
- The teacher will be placed on an improvement plan. The improvement plan will include intervention courses from higher education institutions.
- If after a year, the teacher does not meet the criteria, his/her pay reverts to the entry level of Tier 2, and the state appropriation is adjusted accordingly.

Additional Tier 2 Provisions

- Any teacher in Provisional Status is not eligible for a leadership award.
- Any teacher who has been placed on Provisional Status in the last 5 years is not eligible to move to Tier 3 as applicable.

Linda Clark stressed that these provisions are not loss of licensure, but identify areas in which a teacher must do additional work.

The committee revised the Tier 2 license renewal requirements to read:

- Meets current recertification requirements
- Demonstrated teaching proficiency for 3 of 5 years on the evaluation (recommendation from subcommittee related primarily to Danielson Framework prior to final decision)
- Individualized Professional Learning Plan (framework developed at district level with minimums)
- Increased Student Achievement/Growth

Rod Lewis asked that the committee discuss the consequences of not meeting proficiency, since licensure would not be taken away.

Penni Cyr expressed her continuing concern over the subjectivity of the Danielson framework affecting licensure and pay. She would prefer that the Danielson components be moved to the career ladder side in determining raises rather than proficiency tied to the type of license a teacher holds. She believes that other measures of proficiency comprise a professional plan and that plan could be reviewed for goals set and achieved. Ms. Cyr said that if some Danielson and some other measures of documenting teacher performance were included, she would agree to move forward. Linda Clark suggested a framework of minimums from which the local district could choose. Rod Lewis agreed that the framework would need to be based on minimum criteria. Tom Luna also agreed, adding that the subcommittee could work on the framework for demonstrating teaching proficiency.

Rod Gramer, Rod Lewis and Tom Luna agreed that the Danielson framework is widely used and tested; all of the districts have Danielson-aligned evaluations, and is also cited in rule and board policy. Additionally under current rule, evaluators are being trained under Danielson.

Linda Clark explained that if a teacher returns to university for additional training, they would leave the classroom during that period. Universities would establish training based on Danielson. Once a teacher has successfully completed the training, an additional year of provisional teaching is required. If successful, the provisional element will be removed from the certificate, and the teacher will be deemed in good standing.

Linda Clark, Tom Luna and Senator Mortimer acknowledged that both statute and rule will need to be revised. Everyone will have opportunities to testify.

Rod Lewis stated that the primary issue is that teachers will not be eligible for a continuing contract until the teacher qualifies for Tier 2 Certification. Brian Smith objected that the provisions for Tier 2 certification affect labor issues which were beyond the scope of the Task Force work. Linda Clark replied that the intention is not to foray into contract issues but to recognize the necessity in changing to tiered licensure.

Mr. Lewis called for a vote on the provisions for moving from Tier 1 to Tier 2. The provisions carried by 11-3. Senator Ward-Engelking, Penni Cyr and Brian Smith voted against the measure.

Mr. Lewis called for discussion on the Student Achievement Measures which the committee had developed at the May 27 meeting. With discussion, the list was revised to read:

Statement of Increased Student Achievement/Growth to read:

“For movement to Tier 2 and maintenance of Tier 2: *At least three assessments* must be used in demonstration of a teacher’s student achievement. Of those three, *the Idaho Reading Indicator [IRI] and Smarter Balanced Assessment* (or equivalent statewide test) must be included as applicable. *Student Learning Objectives*, including pre and post assessment for student learning must be included *for non-tested* (SBA IRI) subjects. Other measures shall be chosen at the district level, selected from the attached list. The majority of student achievement evaluation shall be based on student growth.”

The “attached list”:

- Statewide standards achievement test (e.g. Smarter Balanced Assessment)
- Student Learning Objectives (includes pre and post assessments)
- Formative assessments
- Teacher-constructed assessments of student growth
- Pre and Post Tests
- Performance-based assessments
- Idaho Reading Indicator
- PSAT/SAT
- District-adopted assessment
- End of Course exams
- ACT
- Advanced Placement Exams
- International Baccalaureate
- ISAT Science
- Professional-Technical Exams

Penni Cyr stated that Diane Ravitch² has refuted the fact that teacher performance is tied to student achievement and generally states that the child’s economic situation has much to do with a child’s ability to achieve. Ms. Cyr also has had conversations with special

² Research Professor of Education at New York University.

education teachers who felt that other measures would give them more comfort, such as progress on an Individualized Education Program.

Mr. Lewis called for adoption of the Student Achievement definition. The definition was adopted 13-0, with two abstentions.

Mr. Lewis called for discussion on Tier 2 Professional License Renewal. Mr. Lewis reminded the committee that the goal is to develop a framework for the legislature to award significantly higher compensation while elevating the professional qualifications and standards of teachers within a system of accountability. He further reminded the committee that loss of licensure for failure to maintain proficiency is no longer on the table, and that the conversation before the committee was the development of accountability, or consequences, for “coasting.” The contingencies under discussion included:

Tier 2 Professional Renewal - Contingencies

- If a teacher does not meet these criteria, he/she is moved to “corrective” status and compensation will be frozen.
- The teacher will be placed on an improvement plan. The improvement plan will include intervention courses from higher education institutions.
- If after a year, the teacher does not meet the criteria, his/her pay reverts to the entry level of Tier 2, and the state appropriation is adjusted accordingly.

Rod Gramer acknowledged that the new subcommittee would develop a definition of and criteria for proficiency.

Penni Cyr stated that some districts would be willing to work with a teacher who did not meet the above Tier 2 criteria and questioned why a teacher should be penalized. Mr. Lewis responded that a very significant move had been made to take licensure off the table. But in order for the legislature to provide significant new funds, a measure of accountability must be in place for a teacher who fails to maintain proficiency. Linda Clark suggested that the consequence of “frozen” was sufficient; if the deficiency is serious enough, a district would use due process to terminate. She acknowledged that a district which is hard pressed to hire might be willing to work with a less-than-proficient teacher. Mr. Lewis noted that the district would not receive additional funds (salary reimbursement) which might motivate the district to provide assistance to the teacher.

Representative Gibbs stated that the measure, as amended, was becoming more difficult to present to the legislature. In answer to questions from Linda Clark, Representative Gibbs said that the tiered licensure and career ladder concepts have been “married” into a plan for compensation that is based on student achievement and teacher evaluation. Ms. Clark noted that financial accountability to a teacher is where the teacher falls on the career ladder. If the State embraces a career ladder proposal, they are embracing a type of performance pay. The Task Force believed that career ladder best fit Idaho and Idaho could compensate on a career ladder. The performance piece is the part of “how” -- highly

accountable and highly performance based. She said she believes that a performance piece is appropriate. Rod Lewis added that accountability is associated with the career ladder; a district must maintain proficiency of its teachers because it affects the district's salary reimbursement.

Penni Cyr said that a very small number of teachers would need to be frozen. Her concern is in developing a system for all teachers and forgetting to help a teacher to get better and stay in the classroom, to improve in professional compensation in the classroom rather than seeking out other careers such as administration.

Christina Linder said that she had been looking deeply, and what Idaho is doing is unprecedented in support and resources.

Rod Lewis expressed concern that a teacher might reach a high level of compensation and simply "bale out", being satisfied with the pay, and not feeling a need to achieve anything.

Rod Gramer noted that in the private sector, employees spend more when they make more; being frozen for several years would have an effect. Some faith needs to be placed in a principal or superintendent to act if a teacher is not proficient. Linda Clark added that teachers who are frozen on the pay scale are highly motivated. Penni Cyr said that teachers who should not be in the profession are counseled out.

Rod Lewis asked if freezing compensation was enough consequence. Linda Clark suggested that it be on the career ladder side but not in language on the tiered licensure side. Mr. Lewis countered that the committee had offered no substitution. The tiered licensure was tied to the career ladder and gave the foundation for the career ladder and the accountability system. It theoretically could be moved to the career ladder side, but fundamentally an accountability system still is needed.

Linda Clark suggested that to re-certify a professional license, the State currently requires units of continuing education, but not a requirement of proficiency on an evaluation; any accountability is built into the evaluation to terminate employment, not licensure. She asked if the goal was to "up the ante" on licensure for demonstrated proficiency to keep a license, or to move proficiency to career ladder. She asked if she can renew her license with the required number of units and two basics on her evaluation. Rod Lewis replied that she would have a corrective status, but what would be the consequence of it?

Senator Mortimer suggested that if the committee does not want proficiency tied to certification, then it could create another classification, a provisional certificate that is tied to a provisional professional cell on the career ladder.

Rod Lewis agreed that a teacher would not move down on the career ladder nor have salary frozen, but at the point of renewal, a non-proficient teacher would be given a provisional professional certificate with negative connotations. Compensation would be dealt with in career ladder.

The committee agreed that peer assistance should be offered as well as higher education courses, if appropriate. Once proficiency can be demonstrated, a Professional Certificate will be awarded, and proficiency must be maintained 3 out of 5 years on a rolling 5 year basis.

Tier 2 Professional License Renewal was revised to read:

- Meets current recertification requirements
- Demonstrated teaching proficiency for 3 of 5 years on the evaluation (recommendation from subcommittee related primarily to Danielson Framework prior to final decision)
- Individualized Professional Learning Plan (framework developed at district level with minimums)
- Increased Student Achievement/Growth

Contingencies:

- If a teacher does not meet these criteria, he/she is moved to a provisional Professional Certificate.
- The teacher will be placed on an improvement plan. The improvement plan will include peer assistance and, if appropriate, intervention courses from higher education institutions.
- Provisional status on Professional Certificate removed once Tier 2 renewal requirements are satisfied, assuming a 5-year rolling basis.

Rod Lewis called for a vote on Professional License Renewal. The measure, as revised above was approved 10-3. Representative Clow, Penni Cyr and Brian Smith voted against the measure.

Next meeting: June 25, 2014

Agenda Items: Report from subcommittee on Danielson components, and a definition and criteria for proficiency;
Tier 3 – what it is, and whether Idaho should have it

